

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Revisions to Reporting Requirements Governing	)	WT Docket No. 17-228
Hearing Aid Compatible Mobile Handsets	)	
	)	

**REPLY COMMENTS OF BLUEGRASS CELLULAR, INC.**

Bluegrass Cellular, Inc. and its affiliates, Kentucky RSA #3 Cellular General Partnership, Kentucky RSA 4 Cellular General Partnership, Cumberland Cellular Partnership and Bluegrass Wireless LLC (collectively, “Bluegrass Cellular”) submit these Reply Comments in the Federal Communications Commission’s (“FCC”) Notice of Proposed Rulemaking, which seeks input on revising wireless hearing aid compatibility (“HAC”) reporting requirements.<sup>1</sup>

Bluegrass Cellular provides wireless services in rural areas of Kentucky and Tennessee. Individual FCC Forms 655 are submitted annually for each of four affiliates. Bluegrass Cellular ensures availability to consumers of a selection of hearing aid compatible (“HAC”) handsets. HAC reporting rules are burdensome and distract from productivity. Bluegrass Cellular supports elimination of Form 655 because compliance costs outweigh benefits.

**I. Comments of Consumer Groups Are Misleading**

Bluegrass Cellular responds to Comments submitted by the Hearing Loss Association of America, Telecommunications for the Deaf and Hard of Hearing, Inc., the Deaf and Hard of Hearing Consumer Advocacy Network, the National Association of the Deaf, and the Deaf/Hard of Hearing

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<sup>1</sup> *Revisions to Reporting Requirements Governing Hearing Aid-Compatible Mobile Handsets*, Notice of Proposed Rulemaking, WT Docket No. 17-228, FCC 17-123 (rel. Sept. 27, 2017) (“*NPRM*”).

Technology RERC (collectively, “HLAA”), who allege that Non-Tier I Service Provider websites are “rife with inaccurate, outdated and insufficient information.”<sup>2</sup>

HLAA claims that Bluegrass Cellular provides “no information at all on their website about HAC phones.”<sup>3</sup> This is false. Bluegrass Cellular provides HAC information at <https://bluegrasscellular.com/support/HAC/>.<sup>4</sup> The site lists all hearing aid-compatible models currently offered, their ratings and an explanation of the rating system. It specifies the level of each model, based on the levels of functionality defined by Bluegrass Cellular, and it explains the functionality of handsets at different levels. Bluegrass Cellular meticulously maintains the website in compliance with 47 C.F.R. § 20.19(h).

HLAA criticizes Bluegrass Wireless, LLC for reporting on Form 655 that it “only offers HAC models” - - a perplexing allegation.<sup>5</sup> What is the offense of all models being HAC? Non-HAC models are rare in today’s marketplace. In 2016 all four Bluegrass Cellular services affiliates offered only HAC models, proudly.

HLAA reviewed Bluegrass Wireless, LLC’s Form 655 and failed to note as the filer’s “Public Website” the address, <https://bluegrasscellular.com/support/HAC/>. Nevertheless HLAA launched the accusation that Bluegrass Cellular has no HAC website. Misinterpreting and ignoring Form 655 information by competent, professional advocates demonstrates the futility of expecting consumers to find Form 655 reports “useful and necessary.”<sup>6</sup>

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<sup>2</sup> See, HLAA Comments at 3.

<sup>3</sup> See *id.*

<sup>4</sup> A simple Google search of “Bluegrass Cellular HAC,” “Bluegrass Cellular hearing aid,” or “Bluegrass Cellular hearing aid compatibility” returns as the first result Bluegrass Cellular’s HAC site, as does a search of “hearing aid” at <https://bluegrasscellular.com/support>.

<sup>5</sup> See *id.* HLAA mistakenly identifies Bluegrass Wireless LLC as a parent company. In fact it is one of the four wireless services affiliates of Bluegrass Cellular, Inc.

<sup>6</sup> See, HLAA Comments at 2.

## II. HAC Report Burdens Outweigh Benefits

### A. HAC Annual Status Report Form 655 should be eliminated.

Bluegrass Cellular agrees with Commenters who dispute that FCC Form 655 takes two and a half hours to complete. The instructions alone are thirteen pages single-spaced plus a twenty-two page appendix. In practice, each Form 655 requires at least fifteen hours, including monthly inventory tracking solely for the report, communications among persons on the project, data verification, working through the tedious electronic filing format, inquiries to Universal Licensing Service Help staff, final review and submission. By its own admission, the purpose of the report is to compile, review and facilitate more reports. Form 655 Instructions provide:

#### I. **PURPOSE**

The Federal Communications Commission (FCC) electronic Form 655 **collects information** on the status of compliance with the FCC’s hearing aid compatibility requirements by digital commercial mobile radio service (“CMRS”) providers and manufacturers of devices used in the delivery of these services. The use of electronic FCC Form 655 helps each filer ensure that its report (“Hearing Aid Compatibility Report”) includes all of the required information in a consistent format, **facilitates filing subsequent reports**, and **facilitates the FCC’s compilation of data** from the reports. The electronic form also provides the public with improved access to **review the filed status reports**. (*Emphasis added.*)

### B. FCC Form 655 duplicates certifications of compliance.

Service providers and equipment manufacturers already are subject to sections 255, 716, and 718 of the Communications Act of 1934, as amended (the Act),<sup>7</sup> pursuant to which they

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<sup>7</sup> 47 U.S.C. §§ 255, 617, 619; *see also* 47 CFR pt. 6, pt. 7, and pt. 14. These provisions govern accessibility requirements of telecommunications services and equipment, advanced communications services and equipment, and Internet browsers built into mobile phones.

maintain records of efforts to implement accessibility requirements.<sup>8</sup> Service providers file annual recordkeeping accessibility certifications in the Recordkeeping Compliance Certification and Contact Information (“RCCCI”) Registry.<sup>9</sup> RCCCI registration and certification confirm providers’ compliance with HAC recordkeeping practices. Small providers need not also file reports detailing monthly inventories of all handsets to demonstrate HAC compliance.

### **Conclusion**

The annual hearing aid compatibility report Form 655 has outlasted its usefulness and efficacy. Elimination will redirect small wireless carriers’ time, talent and resources toward promoting compliant hearing aid compatible devices to the hearing impaired community.

Respectfully submitted,

**BLUEGRASS CELLULAR, INC.**



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<sup>8</sup> 47 U.S.C. § 618(a)(5)(A); *see also* 47 CFR § 14.31(a).

<sup>9</sup> 47 U.S.C. § 618; *see also* 47 CFR § 14.31(b).